

Patent
Docket No. 514572001900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Huachang LU et al.

Serial No.: 10/567,535

Filing Date: August 13, 2003 (Int'l)

For: FLUORESCENT MAGNETIC
NANOPARTICLES AND PROCESS OF
PREPARATION

Examiner: P. Do

Group Art Unit: 1641

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Applicants would like to bring to the Examiner's attention that:

U.S. Patent No. 6,866,838 (Document No. 1 on the Form PTO/SB/08a/b) is an English-language family member of Japanese Publication No. 2003-513093 (Document No. 5). U.S. Patent No. 7,422,703 (Document No. 2) is an English-language family member of Chinese Publication No. 1376759 (Document No. 3). U.S. Patent No. 6,013,531 (Document No. 4 on the Form

PTO/SB/08a/b filed on March 6, 2006) is an English-language family member of Japanese Publication No. 9-28397 (Document No. 4 on the Form PTO/SB/08a/b filed herewith).

Pursuant to 37 C.F.R. § 1.704(d), I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Supplemental Information Disclosure Statement.

The documents listed on the attached Form PTO/SB/08a/b were cited in a Japanese Office Action mailed on March 26, 2009, directed to a counterpart international or foreign application and have not been previously cited. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- A fee is required. A check in the amount of __ is enclosed.

- A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
- A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

fees due in connection with the filing of this document to **Deposit Account No. 03-1952**
referencing 514572001900.

Dated: April 27, 2009

Respectfully submitted,

Electronic Signature: /Jian Xiao/
Jian Xiao
Registration No.: 55,748
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5736